

REMARKS

Claims 7-13 stand rejected under 35 U.S.C. §112, second paragraph as not being sufficiently definite. Claims 7 and 10-13 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 7-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by US patent application publication No. 2004/0010444 (hereinafter Delorme). The Office Communication further notes certain objections in connection with the drawings and the specification. Reconsideration of the rejections and objections and allowance of the amended claims are respectfully solicited in view of the foregoing amendments and the following remarks.

Claims 7-8 and 10-11 have been amended. Claims 1-6 were previously cancelled. Accordingly, claims 7-13 remain pending in the present application.

FIG. 1 of the drawing has been amended as requested by the Examiner and a replacement drawing sheet is attached. Consequently the objection to the drawings should be withdrawn.

The specification has been amended essentially as requested by the Examiner, and thus the objection to the disclosure should be withdrawn.

Claim 7, as amended, is directed to a computer-based method for monitoring and carrying out a diagnosis of a technical installation comprising a plant for generating electrical power. Claim 7 was further amended to address the indefinite issues raised in the Office Communication. Accordingly, it is respectfully submitted that the §101 and §112 rejections raised in the Office Communication have been appropriately addressed and these basis of rejection should be withdrawn. Applicant will address below the §102 rejection.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

As noted above, claim 7 is directed to a computer-based method for monitoring and carrying out a diagnosis of a technical installation comprising a plant for generating electrical power. Delorme is directed to an infrared system for determining faults in a printed circuit board. Delorme fails to teach or suggest operational relationships for determining the various operating situations set forth in claim 7 in connection with a present operating situation of a plant for generating electrical power. It appears that Delorme is primarily concerned with determining

whether or not a printed circuit has failed. In connection with a power plant for generating electric power, the binary determination (failed or not failed) described by Delorme in the context of a printed circuit board is not sufficient in view of the costly economic consequences that would arise if one were to shut down the power plant unnecessarily. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted) Accordingly, it is submitted that Delorme fails to anticipate or otherwise render unpatentable claim 7.

Claims 8-9 depend from claim 7 and thus incorporate the structural and/or operational relationships set forth in claim 7 plus their own recitations. It is respectfully submitted that Delorme also fails to anticipate such claims under the §102 statutory requirements and these rejections should be withdrawn.

Claim 10, as amended, is directed to an apparatus for carrying out diagnosis of a technical installation comprising a plant for generating electrical power. Claim 10 was further amended to address the indefinite issues raised in the Office Communication. Accordingly, it is respectfully submitted that the §101 and §112 rejections raised in the Office Communication have been appropriately addressed and these basis of rejection should be withdrawn. Applicant will address below the § 102 rejection.

As noted above, claim 10 is directed to an apparatus for carrying out diagnosis of a technical installation comprising a plant for generating electrical power. Delorme is directed to an infrared system for determining faults in a printed circuit board. Delorme fails to teach or suggest operational relationships for determining the various operating situations set forth in claim 10 regarding a present operating situation of a plant for generating electrical power. It appears that Delorme is primarily concerned with determining whether or not a printed circuit has failed. In connection with a power plant for generating electric power, the binary determination (failed or not failed) described by Delorme is not sufficient in view of the costly economic consequences that would arise if one were to shut down the power plant unnecessarily. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted) Accordingly, it is submitted that Delorme fails to anticipate or otherwise render unpatentable claim 10.

Claims 11-13 depend from claim 10 and thus incorporate the structural and/or operational relationships set forth in claim 10 plus their own recitations. It is respectfully submitted that

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Delorme also fails to anticipate such claims under the §102 statutory requirements and these rejections should be withdrawn.

CONCLUSION

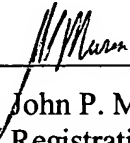
It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/16/07

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